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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,335

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Kang Soo Seo

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EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT

PAPER NUMBER

2621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/656,335	<b>Applicant(s)</b> SEO ET AL.	
	<b>Examiner</b> GIRUMSEW WENDMAGEGN	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4,6-8,12,14,16,18-20,22,24,25,27,29,30,32,34,35,37,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16,19,20,22,24,25,32,34,35,37,39 and 40 is/are allowed.
- 6) ☒ Claim(s) 1 and 18 is/are rejected.
- 7) ☒ Claim(s) 4,6-8,12,14,27,29,30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/24/09;8/31/09;9/14/09;10/2/09</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claim 1,4,6-8,12,14,16,18-20,22,24-25,27,29-30,32,34-35,37,39-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim1, 4, 6-8, 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

"In the start of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and give the broadest reasonable interpretation, the scope of a "computer readable medium' covers a signal per se." In order to overcome the 35 U.S.C. 101 rejection, the "computer readable storage medium" and "computer program product" should be changed to "non-transitory computer readable medium".

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated

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by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

<b><u>Claims of copending application 10/716,629</u></b>	<b><u>Claims of instant application 10/656,335</u></b>
<p><u>Claim1</u> recites a computer readable medium having a data structure for managing reproduction of data recorded on the computer readable medium, comprising: a data area storing at least first and second clip stream files, the first clip stream file including video data representing at least one still image, the second clip stream file including audio data; a playlist area storing a playlist file; the playlist file including at least one playitem and at least one sub-playitem, the at least one playitem indicating an in- point and out-point of the first clip stream file to reproduce the at least one still image and providing display mode, the display mode indicating to display the at least one still image for a finite period of time if the at least one still image is to be displayed for a finite period of time, the display mode indicating to display the at least one still image for an infinite period of time if the at least one still image is to be displayed for an infinite period of time, the at least one sub-playitem indicating in-point and out-point of the second clip stream file to reproduce the audio data, wherein the at least one playitem further includes the duration information indicating a length of time to display the at least one still image when the display mode indicates to</p>	<p><u>Claim1</u> recites a recording medium having a data structure for managing reproduction of at least one still images by a reproducing apparatus, comprising: a first navigation area storing a playlist file, the playlist file including at least one playitem, the at least one playitem indicating an in-point and out- point of at which the reproducing apparatus is to reproduce a clip stream file the clip stream file including video data to display the at least one still image, the at least one playitem including first duration information indicating whether the reproducing apparatus is to display the at least one still image for one of a finite and an infinite period of time</p>

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display the at least one still image for a finite period of time.	
<p><u>Claim26</u> recites the medium of claim 1, further comprising: a clip information area storing first and second clip information files, the first clip information file being associated with the first clip stream file, the first clip information file including first mapping information between a presentation time and a unit of the first clip stream file, the second clip information file being associated with the second clip stream file, the second clip information file including second mapping information between a presentation time and a unit of the second clip stream file for the second clip stream file.</p>	<p>a second navigation area storing a clip information file, the clip information file including mapping information between a presentation time and a unit of the clip stream file, such that the unit clip stream file is presented by the reproducing apparatus at the presentation time.</p>
<p><u>Claim9</u> recites An apparatus for reproducing a data structure for managing reproduction of data recorded on a recording medium, comprising: a pick up configured to reproduce data recorded on the recording medium</p>	<p><u>Claim18</u> recites An apparatus for reproducing at least one still image recorded on a recording medium, comprising: a pick up configured to reproduce data recorded on the recording medium;</p>
<p>a controller configured to control the pick up to reproduce at least first and second clip stream files and a playlist file from the recording medium, the first clip stream file including video data representing at least one still image, the second clip stream file including audio data, the playlist file including at least one playitem and at least one sub-playitem, the at least one playitem indicating an in-point and out-point of the first clip stream file to reproduce the at least one still image and providing display mode, the display mode indicating to display the at least one still image for a finite period of time if the at least one still image is to be displayed for a finite period of time, the display mode indicating to display the at least one still image for an infinite time, the at least one sub-playitem indicating an in-point and out-point of the second clip stream file to reproduce the audio data,</p>	<p>a controller configured to control the pick up to reproduce a playlist file and a clip information file, the playlist file including at least one playitem, the at least one playitem indicating an in-point and an out-point of a clip stream file, the clip stream file including video data to display as-a the at least one still image, the at least one playitem including first duration information indicating whether to display the at least one still image for one of a finite and an infinite period of time,</p>

<p>wherein the at least one playitem further includes the duration information indicating a length of time to display the at least one still image when the display mode indicates to display the at least one still image for a finite period of time. and</p> <p>wherein the playlist file further includes type information and repeat information, the type information identifying whether reproduction being indicated by the at least one plavitem :is synchronized with reproduction being{ indicated by the at least one sub-plavitem, and the repeat information identifying whether to repeat the reproduction indicated by the at least one sub-playitem</p>	
<p><u>Claim30</u> recites The apparatus of claim 9, wherein the controller is configured to control the optical reproducing device to reproduce first and second clip information files in a clip information area on the recording medium, the first clip information File being associated with the first clip stream file, the first clip information file including first mapping information between a presentation time and a unit of the first clip stream file, the second clip information file being associated with the second clip stream file, the second clip information file including second mapping information between a presentation time and a unit of the second clip stream file for the second clip stream file.</p>	<p>the clip information file including mapping information between a presentation time and a unit of the clip stream file.</p>

Claim1, 18 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim1, 30 of copending Application No. 10/716,629 respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of copending application anticipates the claims of present application

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Allowable Subject Matter***

Claim 16, 19, 20, 22,24,25,32, 34, 35, 37, 39, 40 is allowed.

Claim 4, 6-8, 12, 14,27,29,30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621